

Performing Other Key Tasks Outside of Court

There are other tasks you should work on during your child’s case to help yourself and your child. Many of them require regular contact with your lawyer and caseworker. Keep good notes on your progress and the efforts you make in the case. **You and your lawyer should work as a team and work closely with the caseworker.** If you do not have a good working relationship with the caseworker, see *Working Well with the Caseworker*.

OUT-OF-COURT ACTIVITIES

CONTACT YOUR ADVOCATES

Contact the caseworker regularly.

- Call when you have questions, concerns, information to share, or want updates on your child or the case. *Don’t wait for the caseworker to call you.* The caseworker has many cases and may not think to call you when things happen that you may want to know about.
- If the caseworker is not there, leave a message and write down the date you called.
- If you don’t hear back in a day or so (or sooner if it is urgent), call back. If you still can’t reach the caseworker, call his or her supervisor.
- You can also contact the court appointed special advocate (CASA) or guardian ad litem (GAL) to discuss your wishes and the progress you are making on your case plan. But remember, the CASA or GAL is your child’s advocate, not yours, and you should not tell him or her anything you would not want the judge or other parties to hear.

Keep in touch with your lawyer.

- **You don’t have to *only* speak with your lawyer at, or just before, court.** In fact, the more your lawyer knows *before your court date* about your case and what is going on, the better he or she can advocate for you in and out of court.
- Call when you have questions or there are new developments in your situation or your child’s case.
- Check in with your lawyer a few days or even a week before each court date.
- If you call your lawyer and don’t hear back, you can e-mail or write a letter to follow up. If you still don’t receive a response, you can call his or her office and ask if there is someone else you can speak with about your case.

STAY INVOLVED IN YOUR CASE

Take notes on what is happening.

- One good way to share information with your lawyer is by taking notes on things that happen in your case. For example, write down:
 - efforts you have made to find a job or a house;
 - how many times you have called the caseworker or service providers before getting return calls;
 - how often you visit your child and how the visits go.
- If you are not sure if something is worth documenting, assume it is and write it down!

Don’t miss visits and be on time.

- You have a right to visit your child regularly (unless the court or agency finds it would be harmful or not in your child’s best interest). Don’t miss this chance.
- Always be on time and don’t miss any visits.
- If something comes up and you cannot attend, call the caseworker immediately and try to reschedule.
- **If you are late or don’t show up, the caseworker may think you are not committed to maintaining a relationship with your child and share this belief with the court.**

Complete your case plan tasks.

- **If you don’t complete your case plan successfully you may lose your rights to your child.**
- If you have problems and feel you can’t complete certain tasks tell your lawyer immediately so you can decide together how to overcome these issues.
- If you don’t have a lawyer, discuss your concerns with the caseworker. Don’t just fail to complete your obligations.

PLAN FOR YOUR CHILD’S PERMANENT HOME

Keep your relatives in the loop.

- If you are seeking custody, your relatives may be able to help.
- If you are not seeking custody, ask your relatives whether they want to care for your child. Be sure to share this information with your lawyer and caseworker. If they cannot care for your child, they may be able to offer support by visiting or talking to your child on the phone. Talk to your lawyer and caseworker about making this happen.

If you want your child to reunify with his or her mother, help make this happen.

- This may include:
 - encouraging the mother to work with the agency;
 - helping her find housing or other services; and/or
 - providing her financial or emotional support.

WORKING WELL WITH THE CASEWORKER

The caseworker is an important decision maker in your case, but the judge ultimately decides what happens. If you do not have a good relationship with the caseworker, ask your lawyer how it can be improved. You may want to talk to the caseworker directly about the problem. This may include a conversation about:

- How you can improve your working relationship
- When the best times are for you to regularly talk or meet each other to discuss the case
- What the caseworker expects of you
- What you expect from the caseworker

If things don’t improve:

Consider addressing the issue with the caseworker’s supervisor, and the judge, when necessary.



Finding Your Way

Guides for Fathers in Child Protection Cases

Guide 4

Your Role Outside Court

About the guides

This is one in a series of guides that give you tips to help you and your child throughout the court case. The guides include:

Guide 1: Your rights and responsibilities

Guide 2: How to work with your lawyer

Guide 3: Your role in court

3.1: The court process

3.2: Who will be in court

3.3: Common court terms

Guide 4: Your role outside court

Guide 5: When you owe child support

Guide 6: If you are or have been in prison

Keep these guides in a safe place. Review them before you attend a court hearing or meeting. Check the guides to see which one(s) will help you as you prepare for that court date or meeting.

This guide provides general information, not legal advice. If you have case-specific or legal questions, ask your lawyer or caseworker.



Your Role Outside Court

You’re a dad who does not live with your child. You learn your child is involved in a court case because of suspected abuse or neglect. Even if you weren’t your child’s caretaker, or don’t see your child often, there are many things you and your relatives can do outside of court to help keep your child safe and increase the likelihood he or she is reunited with family.

Participating In Case-Related Meetings

Much of the work on your child’s case happens outside court. Important decisions are made by the caseworker and child welfare agency and other service providers relating to your relationship with your child, your ability to see your child, and what is expected of you.



When you will need this guide

- ✔ Use it to learn **what is expected of you outside the courtroom and when to advocate for yourself.**
- ✔ Review it before meetings and planning conferences being held about your case.

CASE MEETINGS YOU SHOULD ATTEND

Case plan or treatment plan meetings

- **What happens:** The agency develops a plan for how you and/or your child’s mother can reunite with your child. The plan usually includes services or tasks you must complete to live with, or have more contact with your child and to have your child’s court case closed.
- **Why they’re important:** Not complying with the case plan may affect whether the agency (and ultimately the court) supports your interest in having custody of, or more frequent contact with, your child.
- **What you should know:** Although some agencies develop these plans on their own, most should work with you to create the plan or at least show it to you for your comments and approval.

Agency review meetings

- **What happens:** The agency meets several times a year to talk about progress in your child’s case and discuss problems and identify solutions to overcome them.

Family group conferences

(or *family group decision making*, or *family team meetings*)

- **What happens:** The agency and family meets to discuss what should happen in your child’s case.
- **Who attends:** The meetings should include you, the child’s mother, and relatives like grandparents, cousins, aunts, uncles, etc.
- **What you should know:** Ask that your family be included and give the agency names and phone numbers of relatives you think should attend. In some cases, the agency lets you and your family meet alone to discuss what should happen and where the child should live. It then uses your decisions to create a plan. Not all states have these meetings, but many do.

WHY ATTEND CASE MEETINGS?

Participating is important so you...

- understand what is happening in your child’s case;
- can share with everyone your opinion regarding your child’s care and case;
- know what the agency and court expects of you.

If you don’t participate...

- decisions may be made based on incorrect assumptions about you or your family.
- you may also find yourself in a position where you must do things you cannot do or don’t think are right for you or your child.

PREPARING FOR CASE MEETINGS

Get invited.

- **Don’t assume that if there is a meeting to discuss your child’s future that you will automatically be invited.**
- In some places the father who did not live with the child is left out of important decision-making meetings. **Don’t let that happen:**
 - Ask the caseworker when the next meeting about your child’s case is and its purpose.
 - Ask your lawyer what case planning meetings you should attend and when they will be.
 - If you want any relatives to attend these meetings, request that too.

Learn about the meeting and be prepared.

- Ask the caseworker or your lawyer what kind of meeting it is and what will be discussed. For example:
 - If it is a **family group conference**, ask the caseworker if your relatives can participate
 - If it is a **case planning meeting**, talk to your lawyer beforehand. Think about what services you need to reunite or maintain a relationship with your child. Ask your lawyer (1) if the agency can help with these services, and (2) if those services should be written down in the case plan.
- If there are services you can use without the agency’s help, consider not including them in the case plan but doing them on your own.
- If a service is in the case plan, and you don’t complete it, the caseworker or judge may see this as proof that you should not live with or have a relationship with your child.
- Bring a pen and paper and your calendar to all meetings and take notes on things you must do, questions you want to ask your lawyer or caseworker later, and dates of future meetings, court dates and other important events.

Decide if your lawyer should join you.

- Once you hear about a meeting, you and your lawyer should decide if your lawyer should attend.
- For a case planning meeting where you may be asked to sign a plan agreeing to participate in services and accomplish certain goals, you should have your lawyer present to ensure the plan is fair. The same is true for agency review meetings.
- If your lawyer cannot attend the meeting, get instructions from him or her about what to say (or not) and whether you should agree to or sign anything when he or she is not present.

Ask questions.

- Ask questions so you are clear about what decisions are made at the meeting and what is expected of you.
- You have a right to know exactly what the agency wants you to do and by when. ***If it isn’t clear, ask!***